

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LARRY FLENOID,)
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 Movant,)
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 vs.) No. 4:07CV8-DJS
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UNITED STATES OF AMERICA,)
)
)
 Respondent.)

ORDER

Now before the Court is movant Larry Flenoid's pro se "Request for Information via Discovery" [Doc. #16]. As movant recognizes, Rule 6(a) of the Rules Governing Section 2255 Proceedings provides that leave of Court is required in order for a party to a §2255 proceeding to conduct discovery. Furthermore, "a party requesting discovery must provide reasons for the request." Rule 6(b). Movant's request indicates that he seeks, from the Clerk of Court, two documents and answers to several questions. For several reasons, the request will be denied.

First, Flenoid fails to provide reasons for his request as Rule 6(b) requires. Without an explanation of the basis for the discovery requests and of their relation to the claims and issues presented in the pending proceeding, the Court is unable to determine whether discovery should be permitted.

Second, in discovery terms, what Flenoid seeks would be characterized as the production of documents and answers to interrogatories. Both of these species of discovery are available only as against another party. See Fed.R.Civ.P. 33(a) and 34(a). The Clerk of this Court is not a party to this action, which is between Flenoid and the United States. Furthermore, the documents sought appear to be policies of the Court of Appeals, which may or may not be in the possession of the District Court Clerk.¹ Lastly, the third of movant's requests seeks answers to questions not within the Clerk's role or responsibility, such as how attorneys are appointed or assigned to cases before this Court and the Court of Appeals.

For all the foregoing reasons,

IT IS HEREBY ORDERED that movant's "Request for Information via Discovery" [Doc. #16] is denied.

Dated this 11th day of May, 2007.

/s/Donald J. Stohr
UNITED STATES DISTRICT JUDGE

¹ In any event, the documents are not uniquely in the Clerk's possession, as they appear to be publicly available on the website of the Eighth Circuit Court of Appeals.